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Zimmer Holdings, Inc., and Zimmer Surgical,
Inc., f/k/a Zimmer Orthopaedic Surgical
Products, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEBBIE McNAB,
Plaintiff,

ZIMMER, INC., ZIMMER HOLDINGS,
INC., and ZIMMER ORTHOPAEDIC
SURGICAL PRODUCTS, INC.

Defendant.

Case No. 3:12-cv-0499-EDL

Before the Honorable Elizabeth D. Laporte

**STIPULATION AND [PROPOSED]
ORDER STAYING ACTION PENDING
TRANSFER TO MULTIDISTRICT
LITIGATION**

Defendants Zimmer, Inc., Zimmer Holdings, Inc., and Zimmer Surgical, Inc., f/k/a Zimmer Orthopaedic Surgical Products, Inc., and Plaintiff Debbie McNab (collectively, “the Parties”), hereby stipulate to a stay of all proceedings in this action, including but not limited to any deadline to answer or otherwise respond to the Complaint, initial disclosures pursuant to Rule 26, and all other discovery and pretrial deadlines, pending transfer of this action to the Northern

1 District of Illinois Multidistrict Proceeding *In Re: Zimmer NexGen Knee Implant Products*
2 *Liability Litigation*, MDL No. 2272 (“MDL-2272”). In support, the Parties state:

3 1. This is one of multiple product liability cases in which the plaintiff(s) allege that
4 the defendant designed, manufactured, and sold an allegedly defective *NexGen* branded artificial
5 knee implant, which allegedly caused the plaintiff(s) to suffer damages.

6 2. On August 8, 2011, the JPML created MDL-2272 and began transferring cases
7 involving *NexGen* branded artificial knee implants to the United States District Court for the
8 Northern District of Illinois (the “Transferee Court”) for consolidated pretrial proceedings
9 pursuant to 28 U.S.C. § 1407. *See Transfer Order in In Re: Zimmer NexGen Knee Implant*
10 *Products Liability Litigation* (attached as Exhibit A). Describing the primary purposes of
11 consolidating these cases, the JPML stated that “[c]entralization under Section 1407 will
12 eliminate duplicative discovery, prevent inconsistent pretrial rulings on *Daubert* and other pretrial
13 issues, and conserve the resources of the parties, their counsel and the judiciary.” [See *id.* at 2.]

14 3. The Parties have identified this action as one falling within the scope of MDL-
15 2272 and will promptly file a Notice of Tag-Along with the JPML seeking transfer of this action
16 to the Northern District of Illinois.

17 4. A stay of all proceedings in this Court pending transfer to MDL-2272 is
18 appropriate because such a stay will promote judicial economy and consistency. Indeed, the
19 Transferee Court is expected to decide multiple pre-trial issues likely to arise in the cases
20 transferred to MDL-2272.

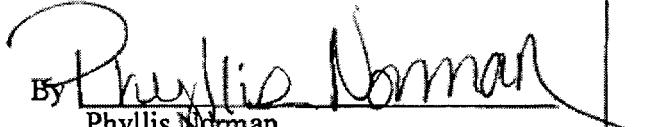
21 5. A stay in this Court pending transfer to the MDL-2272 will not prejudice any
22 party.

23 WHEREFORE, Defendants and Plaintiff respectfully request that this Court stay all
24 proceedings in this Court, including but not limited to any deadline for an answer or other
25

1 response to the Complaint, initial disclosures pursuant to Rule 26, and other discovery and
2 pretrial deadlines pending transfer of this case to MDL-2272.

3
4 DATED: February 24, 2012.

LANGDON & EMISON

5
6 By 
7 Phyllis Norman
Attorney for Plaintiff

8 DATED: February 24, 2012.

REED SMITH LLP

9
10 By /s/ James M. Neudecker

11 Sonja S. Weissman
12 James M. Neudecker
13 Attorneys for Defendants

14 IT IS SO ORDERED.

15 DATED: _____.

16 _____
17 The Honorable Elizabeth D. Laporte

18 REED SMITH LLP
19 A limited liability partnership formed in the State of Delaware
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1 response to the Complaint, initial disclosures pursuant to Rule 26, and other discovery and
2 pretrial deadlines pending transfer of this case to MDL-2272.

3 DATED: February 24, 2012.

4 LANGDON & EMISON

5 By

6 Phyllis Norman
7 Attorney for Plaintiff

8 DATED: February 24, 2012.

9 REED SMITH LLP

10 By

11 Sonja S. Weissman
12 James M. Neudecker
13 Attorneys for Defendants

14 IT IS SO ORDERED.

15 DATED: February 28, 2012.

16 
17 The Honorable Elizabeth D. Laporte